

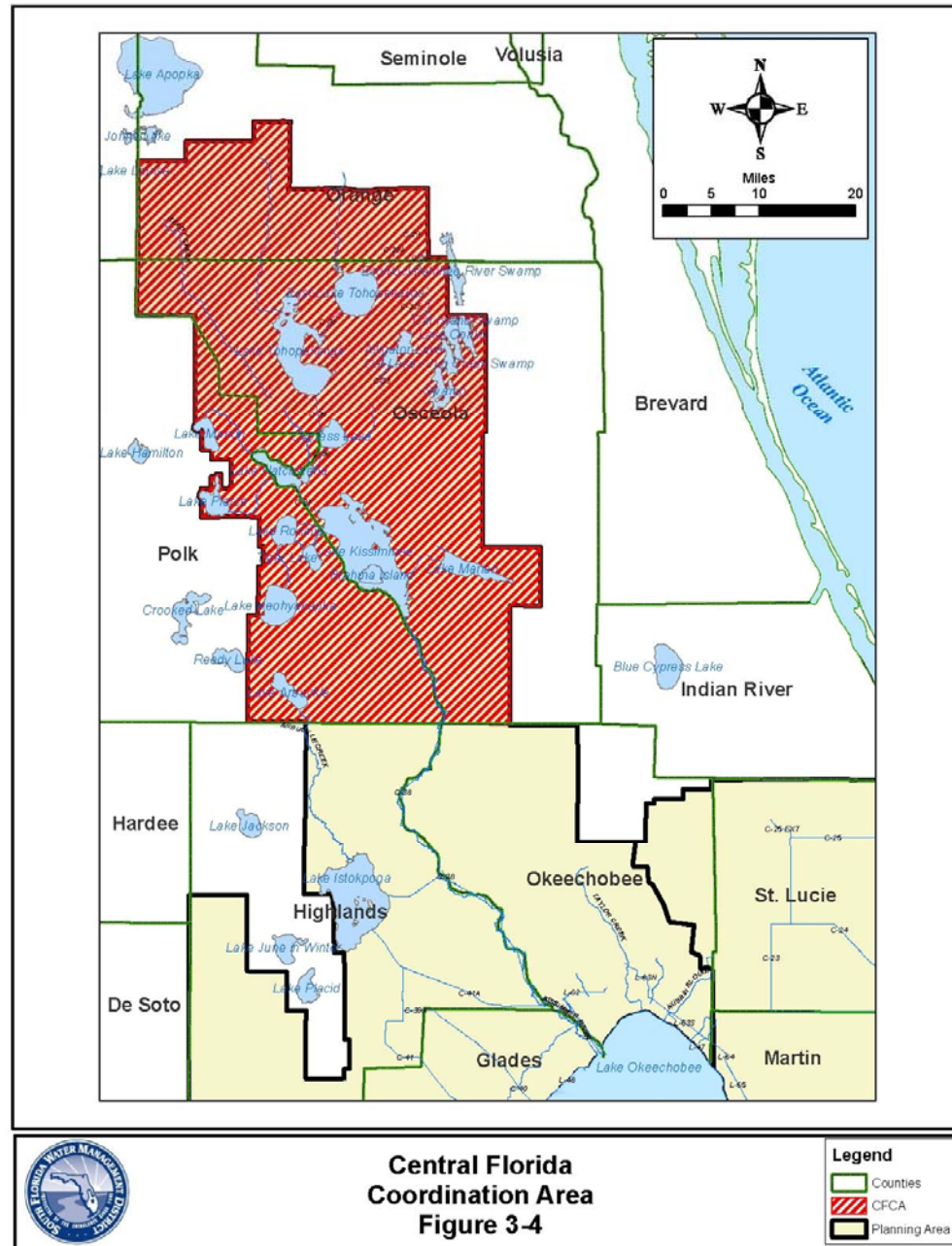
Central Florida Coordination Area (CFCA)

***Continuation of Public Hearing for Rule Adoption
Governing Board Meeting
December 13, 2007***

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Deputy Director,
Water Supply Department***



SOUTH FLORIDA WATER MANAGEMENT DISTRICT



Continued from November 15, 2007
Public Hearing

Public hearing on November 15, 2007 continued to allow economist to prepare Statement of Estimated Regulatory Cost (SERC) based upon lower cost regulatory alternatives (LCRA) received by South Florida Water Management District and St. Johns River Water Management District.

Need for Proposed Rule

- **Sustainable quantities of groundwater in CFWA insufficient to meet future demands**
- **Immediate need to develop & implement supplemental water supply projects to provide adequate water supplies while preventing harm**
- **Concerns based on:**
 - **Water Supply Plan analysis**
 - **Consumptive use permitting information**
 - **Minimum flows & levels program**
- **3 WMD's developing consistent regulatory programs**

Interim Approach

Interim regulatory program:

- Limit allocations from traditional groundwater to demonstrated 2013 demands
- 20 year duration permit possible if applicants commit to developing a specific supplemental water supply source to meet demands after 2013
- Sunset Date: December 31, 2012
 - "Phase 2" regulatory program anticipated

Proposed Rule

- **Provides narrow exceptions to groundwater allocation “cap” if:**
 - **Development of supplemental water not feasible**
 - **Specific project exceptions (4) when groundwater drawdowns & impact potential offset**
 - **Temporary increase in groundwater, if supplemental source development delayed, but due diligence used**

Proposed Rule (cont'd)

■ Additional proposed rule provisions:

- New Definitions
- Special permit conditions, e.g.:
 - Scheduling for supplemental water supply source development
 - Avoidance and mitigation, if harm anticipated or unanticipated
 - Monitoring requirements
 - 5 year compliance reports
 - Notice of potential reduction in allocation, if needed to abate harm

Summary of Proposed Lower Cost Regulatory Alternative

- **Proposal from Latt Maxcy - property owner located in southern Osceola County**
- **2 alternative proposals:**
 - Amend southern CFWA boundary to move up to State Road 60, (above Latt Maxcy property) not Osceola Co. line, or
 - Exempt groundwater withdrawals to supplement a surface reservoir
 - Latt Maxcy's potential, future project
- **Required to prepare a Statement of Estimated Regulatory Costs (SERC)**

Statement of Estimated Regulatory Cost (SERC)

■ SERC prepared & in record

• Contents:

- # of individuals & entities required to comply with rule
- Estimate of agency & government costs to implement rule
- Costs likely to be incurred by individuals & entities required to comply with rule
- Impact on small businesses & counties / cities
- Statement adopting the lower cost alternative proposal or the reasons for rejecting

Statement Rejecting Latt Maxcy's Lower Cost Regulatory Alternative

SERC contains a statement rejecting Latt Maxcy's proposed alternative in favor of proposed rules:

Latt Maxcy's proposals -

- do not substantially accomplish objectives of law being implemented
- offer no basis for rejecting rule's approach
- **Overriding consideration**
 - CFWA rules are interim, will sunset and be replaced by updated rules

Statement Rejecting Latt Maxcy's Lower Cost Regulatory Alternative, cont.

- **Specific reasons for rejecting:**
 - During interim, appropriate to conservatively define boundary
 - More research will assess groundwater availability, so boundary may change in near future
 - Addressing cumulative withdrawal impacts, so include geographic boundaries of all contributing utilities
 - Latt Maxcy's potential reservoir project is not ready for permitting or construction, so sunset will occur
 - Testing is allowable

Changes per Joint Administrative Procedures Committee (JAPC) Comments

- **Directed by Section 120.545, Fla. Stat., Joint Administrative Procedures Committee (JAPC) is charged with examining each proposed rule for legalities**
- **JAPC comments:**
 - **Minor edits requested**
 - **Clarifying language added regarding evaluations of the use of lowest quality of water, District will only consider supplemental water supplies that may be permitted within CFCA, not other types that could exacerbate groundwater conditions**

Changes per St. Johns River Water Management District Lower Cost Alternative Proposal

- **Lower Cost Regulatory Alternative proposal received by St. Johns River Water Management District**
- **3 Districts added language in response to proposal:**

Clarify if an application includes a request to change the use type would not trigger the requirements to develop supplemental water supply source or permit duration provisions if

- **No increase in groundwater withdrawal above 2013 allocation and**
- **No greater drawdown**

Recommendation

Adopt Amendments to Rules 40E-2.091, 40E-2.301, 40E-2.321, 40E-2.331, 40E-2.381, 40E-20.011, 40E-20.091, 40E-20.301, 40E-20.302, 40E-20.321, 40E-20.331, 40E-20.381, F.A.C., and the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District” to address permitting criteria applicable within the Central Florida Coordination Area and to update references to the Basis of Review

Close Public Hearing

